

IN RE: PETITION FOR SPECIAL HEARING
NE/S Snyder Avenue, 520' NW of the c/l
Holabird Avenue
(1957 Snyder Avenue)
12th Election District
7th Councilmanic District

Carole T. Zullo
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-262-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Carole T. Zullo, through her attorney, John B. Gontrum, Esquire. The Petitioner seeks approval of an expansion, or intensification, of an existing nonconforming four-apartment dwelling to five apartments. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael Zullo, the Petitioner's husband, and John B. Gontrum, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 6,250 sq.ft., zoned D.R. 5.5, and is improved with a two-story dwelling containing four apartments, and a detached garage. The property was the subject of prior case No. 98-191-SPH in which the Petitioners came before this Deputy Zoning Commissioner seeking similar approval as in the instant case; that is, relief was requested to approve the property as a nonconforming, five-apartment dwelling. However, the testimony and evidence presented in that case demonstrated that only four of the units were legally nonconforming. Thus, by my Order dated January 20,

ORDER RECEIVED FOR FILING
Date 3/3/99
By [Signature]

1998, I granted relief for only four apartments and the fifth apartment was to be removed within ninety (90) days of the date of that Order. Testimony in that case revealed that house was built in the 1930s and was converted into four apartments and two "day rooms" by its prior owners in 1942. The Petitioners purchased the property in 1972 and continued to utilize the property as a four-apartment dwelling with two "day rooms" until 1983. During a routine inspection by Code Enforcement officials of Baltimore County at that time, the Petitioners were advised that special provisions were required for the two "day rooms" since the tenants therein shared a bath. The Petitioners subsequently converted the two "day rooms" into one apartment. However, since the fifth apartment was not created until 1983, it did not meet the requirements for a nonconforming use. Thus, its use as such was denied. The Petitioner now comes before me seeking an expansion, or intensification of the property's use from a four-apartment dwelling to five apartments. An intensification, or expansion of a nonconforming use is permitted by up to 25%. In this case, the special hearing request would allow an expansion of the current use by one additional apartment.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing. No one appeared in opposition to the Petitioners' request. Furthermore, the Petitioner has operated five (5) apartments in the building for many years. Parking is not a problem as only one tenant operates a vehicle. Thus, it appears that the request can be granted without causing any detriment to the health, safety or general welfare of the surrounding locale.


Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of March, 1999 that the Petition for Special Hearing to approve an

expansion, or intensification, of an existing nonconforming four-apartment dwelling to five apartments, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/3/94
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 2, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S Snyder Avenue, 520' NW of the c/l Holabird Avenue
(1957 Snyder Avenue)
12th Election District - 7th Councilmanic District
Carole T. Zullo - Petitioner
Case No. 99-262-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Carole T. Zullo
3231 Canterbury Lane, Fallston, Md. 21047

People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1957 Snyder Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an intensification
Expansion of a non conforming use from 4 to 5 units.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

John B. Gontrum
Name - Type or Print _____
Signature *[Signature]* _____
Romacka, Gontrum & McLaughlin
Company _____
814 Eastern Blvd (410) 686-8274
Address _____ Telephone No. _____
Baltimore, MD 21221
City _____ State _____ Zip Code _____

Legal Owner(s):

Carole T. Zullo
Name - Type or Print _____
Signature *[Signature]* _____
Name - Type or Print _____
Signature _____
3231 Canterbury Lane (410) 557-8443
Address _____ Telephone No. _____
Fallston, MD 21047
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

~~_____~~ *WCR* Date 1-14-99

Case No. 99-262-SPH

Date 9/15/98
By _____

DROP. OFF

No Review

ORDER RECEIVED FOR FILING
3/8/99

ZONING DESCRIPTION

Beginning at a point on the Northeast side of Snyder Avenue which is 50'-0 wide at the distance of 520'-0 Northwest of the centerline of the nearest improved intersecting street - Holabird Avenue which is 40'-0.

Being Lots #57 and 58, Block 0, in the subdivision of Fairlawn as recorded in Baltimore County Plat Book #6, Folio 100, containing 6250 square feet. Also known as 1957 Snyder Avenue, located in the 12th Election District.

99-262-SPH

title it

enter it up

Plan to accompany
Spec. Key for ~~and~~
non-counting

- still on notes

H92-242-14

**BALTIMORE COUNTY, MA .AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 063019

DATE 1/14/99 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Michael & Carole Zullo

FOR: SPECIAL HEARING PETITION

1957 Snyder Avenue

Drop-Off -- No Review Case No. 99-262-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
1/21/1999 1/20/1999 15:47:31
RIG 0605 CASHIER LSMI LXS DROFFER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 091716
CR NO. 063019

250.00 CHECK # 11
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/4/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/4/, 1999.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-262-SPH
1957 Snyder Avenue
NE/S. Snyder Avenue, 520' N
of centerline Holabird Avenue
12th Election District
7th Councilmanic District

Legal Owner(s):
Carole T. Zullo

Special Hearing: to approve an expansion or intensification of a non-conforming use from 4 to 5 units.

Hearing: Monday, February 22, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-4388.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

2/017 Feb. 4 - 0288194

CERTIFICATE OF POSTING

RE: CASE # 99-262-SPH
PETITIONER/DEVELOPER:
(Carole T. Zullo)
DATE OF Hearing
(Feb. 22, 1999)

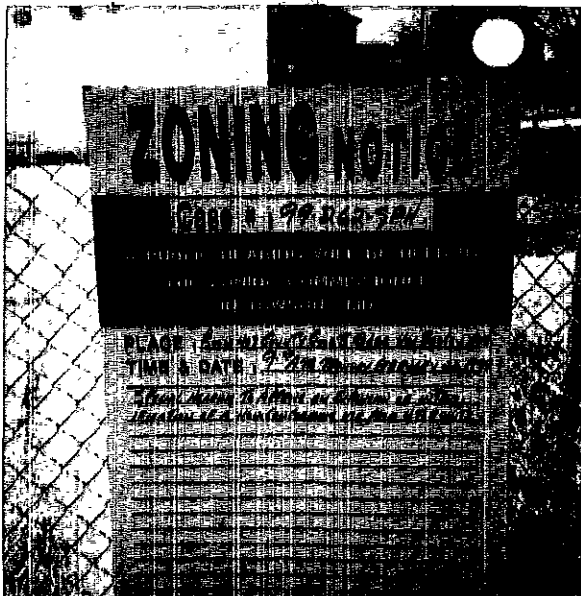
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
1957 Snyder Ave. Baltimore, Maryland 21222_____

The sign(s) were posted on _____ 2-5-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle 2/5/99
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
1957 Snyder Avenue, NE/S Snyder Ave.,
520' N of c/l Holabird Ave, 12th Election
District, 7th Councilmanic

Legal Owners: Carole T. Zullo

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-262-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 1999, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 14, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Gontrum:

RE: Drop-Off Petition, Case No. 99-262-SPH, 1957 Snyder Avenue

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-262.SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE AN
EXPANSION OR INTENSIFICATION OF A
NON-CONFORMING USE FROM 4 TO 5 UNITS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 21, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-262-SPH
1957 Snyder Avenue
NE/S Snyder Avenue, 520' N of centerline Holabird Avenue
12th Election District – 7th Councilmanic District
Legal Owner: Carole T. Zullo

Special Hearing to approve an expansion or intensification of a non-conforming use from 4 to 5 units.

HEARING: Monday, February 22, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: John B. Gontrum, Esquire
Carole T. Zullo

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 7, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
February 4, 1999 Issue – Jeffersonian

Please forward billing to:

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

410-686-8274

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-262-SPH

1957 Snyder Avenue

NE/S Snyder Avenue, 520' N of centerline Holabird Avenue

12th Election District – 7th Councilmanic District

Legal Owner: Carole T. Zullo

Special Hearing to approve an expansion or intensification of a non-conforming use from 4 to 5 units.

HEARING: Monday, February 22, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

sej

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 18, 1999

John B. Gontrum, Esq.
Romadka, Gontrum & McLaughlin
814 Eastern Blvd.
Baltimore, MD 21221

RE: Item No.: 262
Case No.: 99-262-SPH
Location: 1957 Snyder

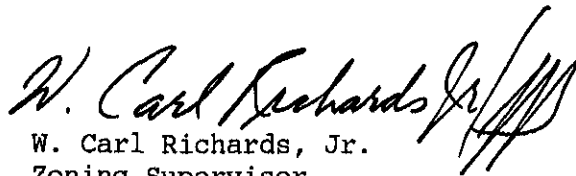
Dear Mr. Gontrum:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on January 14, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 2/3/99

FROM: R. Bruce Seeley, Project Manager RBS/jb
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 259
261
262
264
266
267



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

January 19, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 25, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

259, 261, 262, 263, 264, 265, 266 and 267

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4881, ME-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

ATTACHMENT OF CORRESPONDENCE

Date: January 28, 1999

SUBJECT: Zoning Advisory Committee Meeting
for February 1, 1999
Item No 262

cc: File

ZONE0201.262



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.22.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 262 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

*Sept
2/92*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: February 2, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 262, 265, 268, 269, 274, and 276

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: *Jeffrey W Long*

AFK/JL



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 1, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Gontrum:

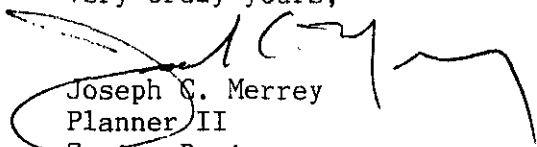
RE: Drop-Off Petition Review, 1957 Snyder Avenue, Zoning Case 99-262-SPH

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100 revision fee.

As you have noted in your letter, there are certain "deficiencies" relative to "standard" filing requirements on your site plan and zoning description. Please be advised that these items may become issues at the hearing of this matter and are ideally resolved prior to Zoning Commissioner consideration.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,


Joseph C. Merrey
Planner II
Zoning Review

JCM:scj

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



ROMADKA, GONTRUM & McLAUGHLIN

814 Eastern Boulevard
Baltimore, MD 21221
(410) 686-8274
(410) 686-0118 FAX

FACSIMILE TRANSMITTAL COVER SHEET

DATE: January 19, 1999

SEND TO: ~~GWEN STEPHENS~~ *Sophia*

FAX: 410-887-2824

FROM: JOHN GONTRUM

DOCUMENT(S) BEING SENT: THIS COVER SHEET

CLIENT/FILE NO.: ZULLO 98.3029
CASE NO.: 99-262-SPH
1957 SNYDER AVE.

OF PAGES, INC. COVER: 1

Hard copy of transmitted document(s) will not follow in the mail.

MESSAGE

PLEASE BE ADVISED THAT MY CLIENT WILL BE OUT OF TOWN FROM MARCH 2, 1999 THRU MARCH 15, 1999. PLEASE KEEP THIS IN MIND BEFORE SETTING IN COURT DATE. IF YOU SHOULD HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT ME.

CONFIDENTIALITY NOTICE

WARNING: UNAUTHORIZED USE OR DISSEMINATION OF THIS TRANSMISSION
MAY VIOLATE STATE AND/OR FEDERAL LAW.

This facsimile transmittal cover sheet, and any documents which may accompany it, contain information from the law firm of Romadka, Gontrum & McLaughlin, and is intended only for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential, and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, any disclosure, dissemination, distribution, copying, or other use of this communication or its substance is prohibited. If you have received this communication in error, please call us to arrange for the destruction of this communication or its return to us at our expense. Thank you.

99-262-SPH

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

January 10, 1999

Mr. Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Petition for Special Hearing

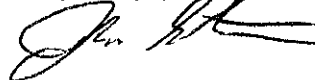
Dear Mr. Richards:

Pursuant to our discussions and meetings I am filing the attached Petition for Special Hearing to amend the non-conforming use granted in Case No. 98-191 SPH by allowing it to be expanded or intensified to one additional unit.

We recognize that the site plan does not conform to standard filing requirements and that the description has not been sealed, but it has been reviewed by you and is consistent with the filing permitted in the above-referenced case. The description is for definitive lots within an existing subdivision.

This property is not the subject of a violation.

Very truly yours,



John B. Gontrum

99-262-SPH

IN RE: PETITION FOR SPECIAL HEARING
NE/S Snyder Avenue, 520' NW of
the c/l Holabird Avenue
(1957 Snyder Avenue)
12th Election District
7th Councilmanic District

Michael Zullo, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-191-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Michael Zullo, and his wife, Carole Zullo. The Petitioners seek approval of a five-apartment dwelling as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael and Carole Zullo, property owners. Appearing as Protestants in the matter were several residents from the surrounding community, all of whom signed the Protestants' Sign-In Sheet.

Testimony and evidence offered revealed that the subject property consists of a gross area of 6,250 sq.ft., zoned D.R. 5.5 and is improved with a two-story dwelling and a detached garage. The Petitioners purchased the property in 1972, at which time the dwelling contained four apartments and two "day rooms". Mr. Zullo testified that the house was built in the 1930s and was converted into four apartments and two "day rooms" by the prior owners in 1942. Testimony indicated that the apartments were leased to military personnel who were stationed at nearby Fort Holabird. Mr. Zullo testified, and submitted affidavits showing, that the subject property was

utilized as four separate apartments and two "day rooms" from 1942 until, 1983. However, during an inspection by Baltimore County in 1983, the Petitioners were advised that special provisions were required for the two "day rooms" since the tenants therein shared a bath. Thus, the two "day rooms" were converted to create one apartment. This conversion is important in that these two "day rooms" did not constitute separate apartments in and of themselves. They did not contain the necessary amenities that would constitute their use as an apartment. Furthermore, the fifth apartment does not meet the requirements for a nonconforming use since it was not created until 1983. Therefore, according to the testimony and evidence presented, only the four original apartments can be classified as legal and nonconforming.

As noted above, several residents from the surrounding community appeared in opposition to the Petitioners' request, including the adjoining property owner, Mary Giorgilli. All of the Protestants are opposed to the apartments and object to the quality of the residents who are tenants therein. These neighbors have noticed a decline in the character and quality of the tenants over the years and noted that the Police have been called to the property on several occasions for unruly behavior by the tenants and/or their guests. While many of the Protestants in attendance object to the apartments and the tenants residing therein, few had any actual knowledge of the number of apartments which have existed in the dwelling over the years. In fact, Ms. Giorgilli signed an affidavit in 1982 which attests to the existence of multiple apartments in the subject dwelling, but does not specify the exact number. Furthermore, it is odd that the Petitioners have owned the property for the past 25 years and have rented the property as five separate apartments for the last 14 years

without any prior complaint. I find it unusual that after 25 years of ownership by the Petitioners, the issue of the propriety of these apartments now comes before me.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

The first task is to determine whether a lawful nonconforming use existed on the property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. It has already been established that the two "day rooms" did not constitute apartments in the first place. However, even though they were converted to create the fifth apartment, the fifth apartment is not a legal, nonconforming use as the conversion did not take place until 1983, well after the effective date of the zoning regulations governing a nonconforming use. If the change in use is found to be different than the original use, the

current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as four apartments since prior to 1945, and as such, the four original apartments enjoy a legal nonconforming use. While the two "day rooms" did not constitute apartments, their conversion into an apartment did not take place until 1983. Thus, the fifth apartment cannot be construed as being nonconforming and the Petitioner shall be required to remove same or eliminate one of the other apartments so that only four apartments remain in the dwelling.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

relief requested in the Petition for Special Hearing, as modified herein, shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of January, 1998 that the four apartments which have existed in the subject dwelling since 1942 are legal and nonconforming; and,

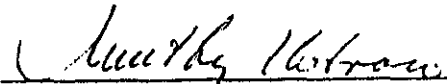
IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the subject dwelling as a legal and nonconforming five-apartment dwelling is hereby DENIED; and,

IT IS FURTHER ORDERED that within sixty (60) days of the date of this Order, the fifth apartment that was created out of the two "day rooms" shall be eliminated; and,

IT IS FURTHER ORDERED that the relief granted herein is subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within ninety (90) days of the date of this Order, the Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) to make an inspection of the subject property to insure compliance with this Order.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

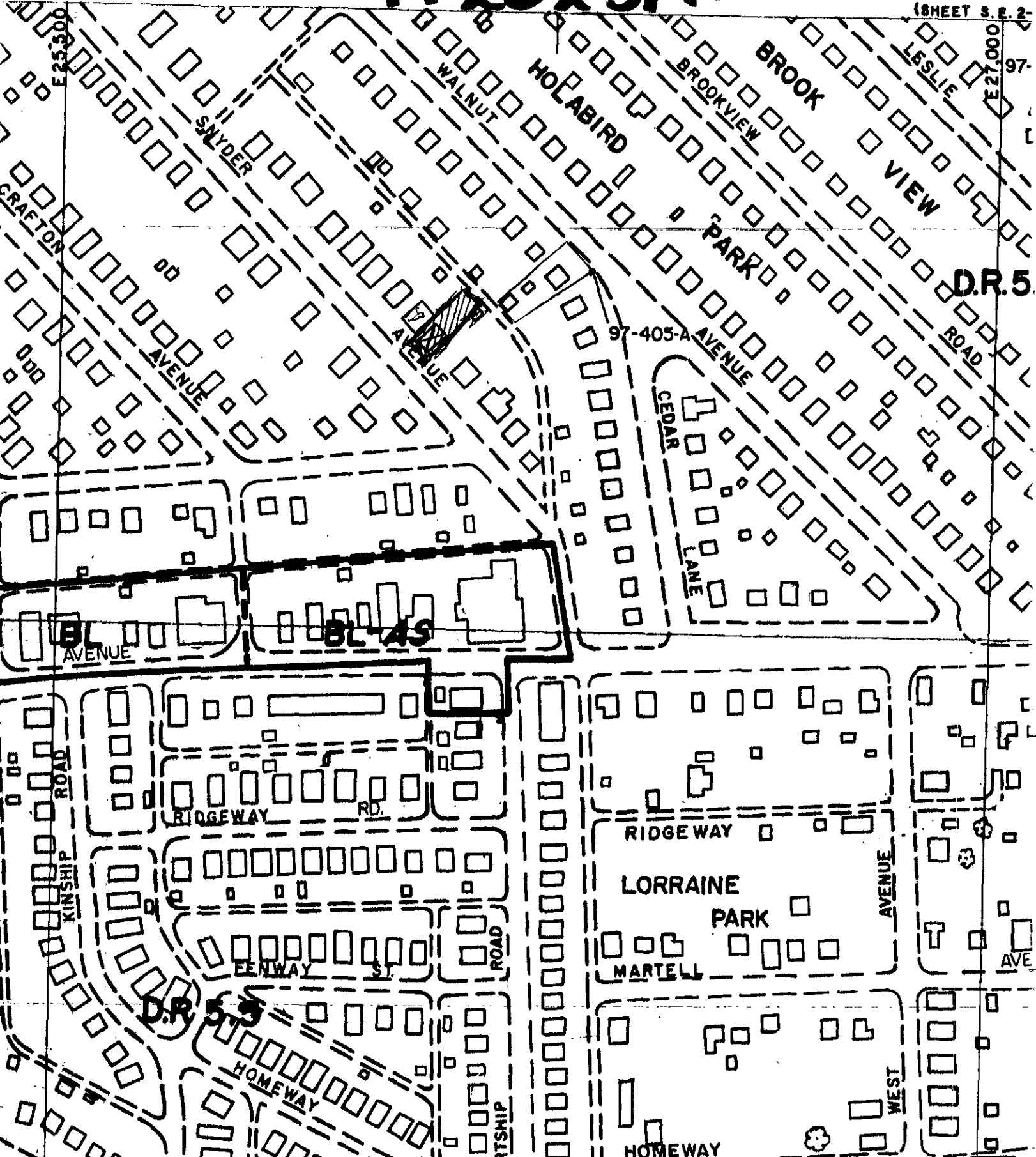
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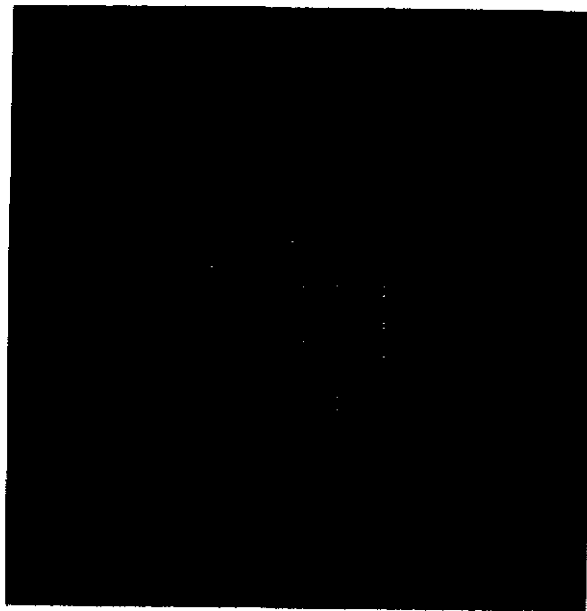
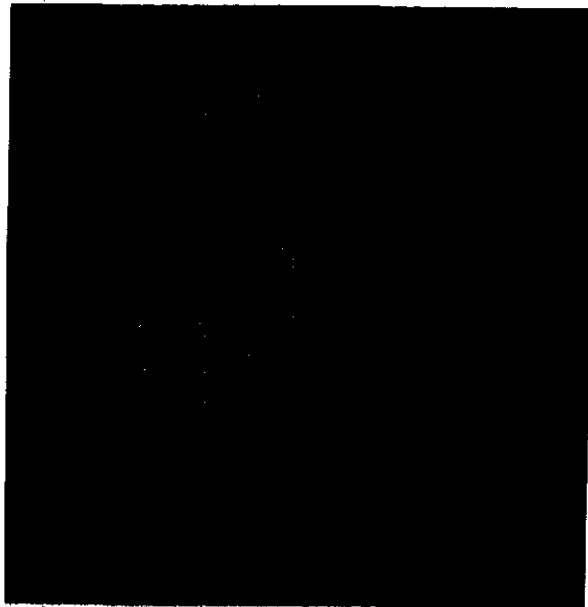

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

MAP # SE - BE

99-262-SPH

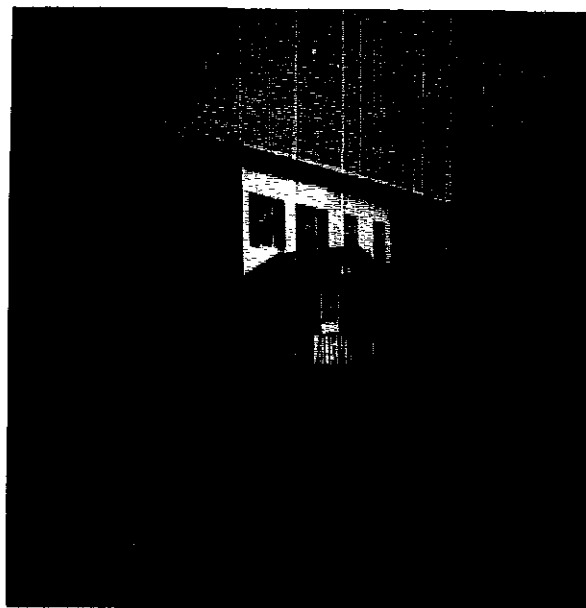
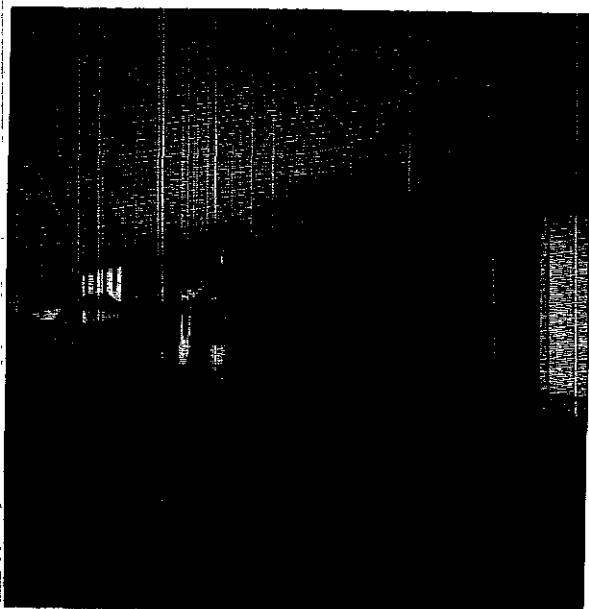
(SHEET S. E. 2)

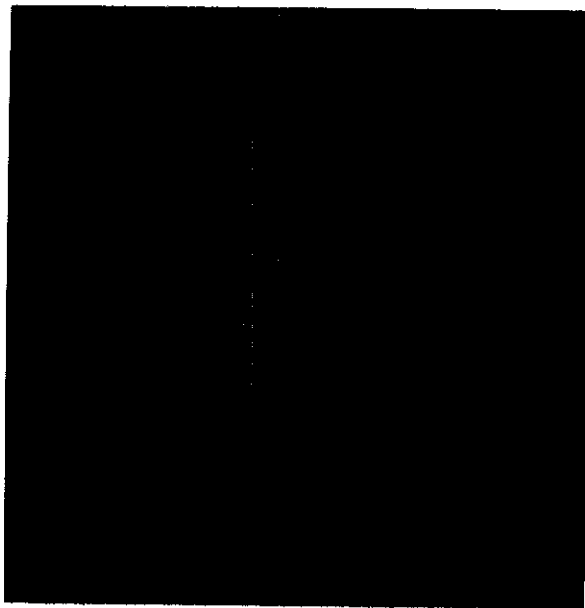




photographs

99-262-5PH





PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING: TO PERMIT EXPANSION
OR INTENSIFICATION OF NON CONFORMING
USE

PREVIOUS CASE # 98-191-SPH 1-20-98
COURT OF APPEALS # 98-191-SPH 8-19-98

TAX ACCT 12-18-010890

1010 ALLEY

FENCE

GARAGE

BEING LOTS # 57 & 58,
BLOCK 0

IN THE SUBDIVISION
OF FAIRLAWN AS
RECORDED IN
BALTIMORE COUNTY
PLAT BOOK # 6
FOLIO - 100 CONTAINING
6,250 square feet,
ALSO KNOWN AS

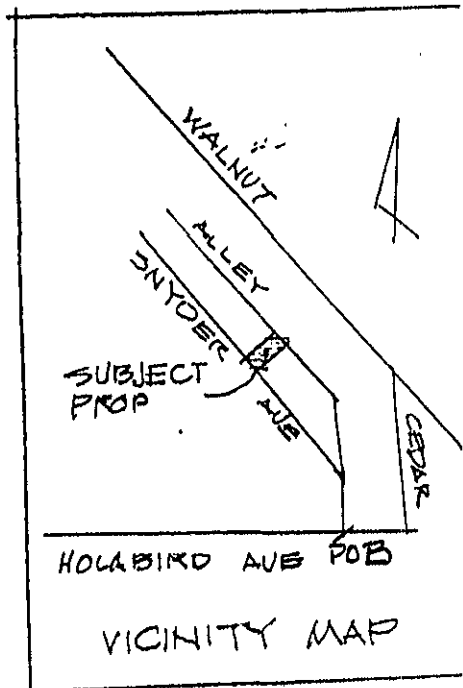
1957 SNYDER AVE.

LOCATED IN THE
12th ELECTION DISTRICT
7 COUNCILMANIC DIST

EXISTING ZONING DR5.5

OWNER: CAROLE ZULLO

PUBLIC WATER & SEWER



VACANT LOT
25x125

NOTE: NOT IN CBCA
OR FLOOD ZONE

520'
FROM C. OF HOLABIRD AVE

SCALE 3/8"

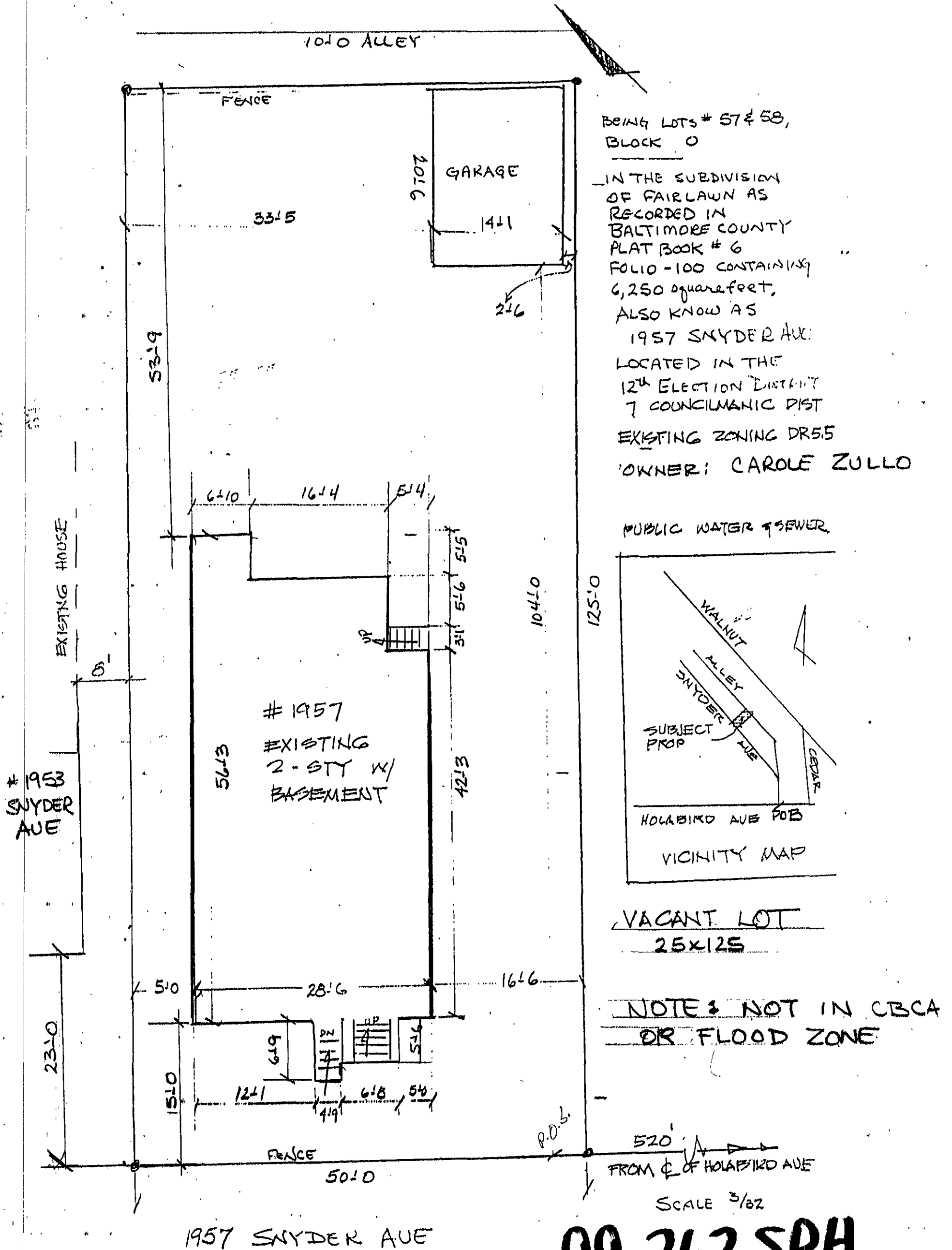
1957 SNYDER AVE

99-262-SPH

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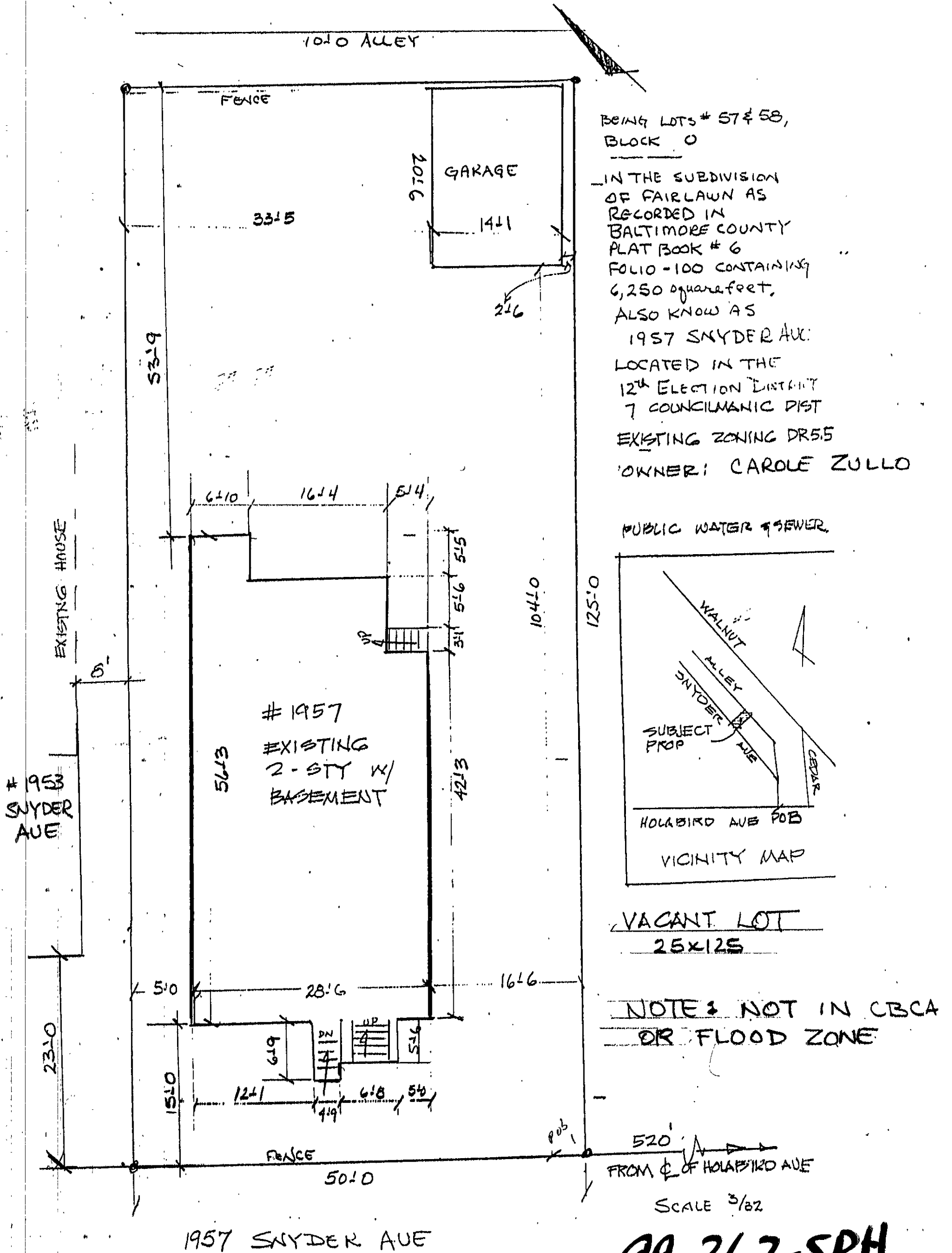
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TAX ACCT 12-18-010890





PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
99-262-SPH

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'		
1/24/71	3/3/71	DATE OF PHOTOGRAPHY	DUNDALK	S.E.
		DEC 1954		

Topography Compiled by Photogrammetric Methods
AERIAL SURVEY CORP. LANSING, MICH.